

In the Application of:
Michael W. Graham

For: Control of Gene Expression

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**Examiner: Daniel M. Sullivan**

CERTIFICATE UNDER 37 CFR 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited on 12/21, 2005 with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing label No. EV668240354US addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/21/2005  
Date

Michelle Punt  
Signature

The Applicants, and the Attorney who signs below on the basis of the information supplied by the inventor and the information in his file, submit herewith patents, publications, or other information of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.


While the information submitted in this Supplemental Information Disclosure Statement may be material pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication, or other information referred to therein is prior art for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97, this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possibly material information as defined under 37 CFR § 1.56(a) exists.

The patents and/or publications submitted herewith are set forth on the attached Form PTO-1449.

The Commissioner is hereby authorized to charge the sum of \$180.00 due under 37 CFR § 1.17(p) pursuant to § 1.97, and any other fee necessary to make this submission timely, to the Deposit Account No. 20-0782/BENI/0022.C2/MP.

Respectfully submitted,



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Mireille C. Perret  
Registration No. 47,854  
PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Agent for Applicant(s)

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| Sheet | 1 | of | 2 |
|-------|---|----|---|

**Complete if Known**

|                               |                    |
|-------------------------------|--------------------|
| <i>Application Number</i>     | 10/821,710         |
| <i>Filing Date</i>            | April 8, 2004      |
| <i>First Named Inventor</i>   | Michael W. Graham  |
| <i>Art Unit</i>               | 1636               |
| <i>Examiner Name</i>          | Daniel M. Sullivan |
| <i>Attorney Docket Number</i> | BENI/0022 C2       |

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

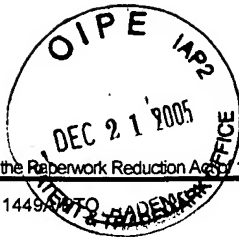
| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document                                                             | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|-------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------|---------------------------------------------------------------------------|----------------|
|                    |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                |                                                 |                                                                           |                |
|                    | B1                    | WO 98/18811 A1                                                                      | 05/07/1998                     | Dietz, et al.                                   |                                                                           |                |
|                    | B2                    | WO 99/53050 A1                                                                      | 10/21/1999                     | Waterhouse, et al.                              |                                                                           |                |
|                    | B3                    | WO 01/70949 A1                                                                      | 09/27/2001                     | Graham, et al.                                  |                                                                           |                |
|                    | B4                    | WO 03/27298 A1                                                                      | 04/03/2003                     | Holton, et al.                                  |                                                                           |                |
|                    |                       |                                                                                     |                                |                                                 |                                                                           |                |
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|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08a (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

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STATEMENT BY APPLICANT**

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Sheet 2 of 2

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| First Named Inventor   | Michael W. Graham  |
| Art Unit               | 1636               |
| Examiner Name          | Daniel M. Sullivan |
| Attorney Docket Number | BENI/0022.C2       |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                        | C1                       | GITLIN, ET AL., "Poliovirus Escape from RNA Interference: Short Interfering RNA-Target Recognition and Implications for Therapeutic Approaches" Journal of Virology, Jan. (2005), p. 1027-1035.                                                                 |                |
|                        | C2                       | PARK, ET AL., "Specific Inhibition of HIV-1 Gene Expression by Double-Stranded RNA," Nucleic Acids Research Supplement No. 1 (2001), p. 219-220.                                                                                                                |                |
|                        | C3                       | YAMAMOTO, ET AL., "Double-Stranded <i>nef</i> RNA Interferences with Human Immunodeficiency Virus Type 1 Replication," Microbiol. Immunol., (2002) 46(11), p. 809-817.                                                                                          |                |
|                        | C4                       | PARK, ET AL., "Prevention of HIV-1 Infection in Human Peripheral Blood Mononuclear Cells by Specific RNA Interference," Nucleic Acids Research, (2002), Vol. 30, No. 22, p. 4830-4835.                                                                          |                |
|                        | C5                       | ROBBINS, ET AL. "Sensing the Danger in RNA" Nature Medicine, Vol. 1, No. 3 (March 2005), pp. 250-251.                                                                                                                                                           |                |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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